

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THEODORE STEVENS,

Plaintiff,

V.

STATE OF NEVADA ex rel NEVADA
DEPARTMENT OF CORRECTIONS et al.,

Defendants.

2:16-cv-02166-RFB-CWH

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed a complaint in state court, which Defendants have removed. The Court has not yet screened Plaintiff’s complaint. (ECF No. 1-2). Plaintiff has moved to supplement his complaint and has filed two supplements to his complaint. (ECF No. 7, 12, 12-1). In both supplements, Plaintiff seeks to add additional claims to his original complaint. The Court denies the motion to supplement (ECF No. 12) and directs Plaintiff to file a fully complete first amended complaint instead. The Court will not piece-meal Plaintiff’s claims together from multiple documents. Instead, Plaintiff needs to file a fully complete amended complaint.

If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended

1 complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims,
2 defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover,
3 Plaintiff must file the amended complaint on this Court's approved prisoner civil rights form and
4 it must be entitled "First Amended Complaint."

5 The Court also denies inmates Justin Lafferty, Russell E. Haley, Charles Wirth, and
6 Bryan P. Bonham's motions/notices/declarations attempting to join in Plaintiff's case. (ECF
7 No. 8, 9, 10, 15). Each inmate must file his own case including a complaint and an application
8 to proceed *in forma pauperis* (or pay the full \$400 filing fee) with the Court. After initiating their
9 own individual cases, the inmate-plaintiffs may move to join their cases by filing a motion to
10 do so in their individual cases. Each inmate's complaint is subject to the screening
11 requirements of 28 U.S.C. § 1915A.

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that the motion to supplement (ECF No.
14 12) is denied.

15 IT IS FURTHER ORDERED that, if Plaintiff chooses to file an amended complaint,
16 Plaintiff shall file the amended complaint within thirty (30) days from the date of entry of this
17 order.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
19 approved form for filing a § 1983 complaint, instructions for the same, a copy of his original
20 complaint (ECF No. 1-2), and a copy of his supplements (ECF No. 7, 12-1). If Plaintiff
21 chooses to file an amended complaint, he must use the approved form and he shall write the
22 words "First Amended" above the words "Civil Rights Complaint" in the caption.

23 IT IS FURTHER ORDERED that, if Plaintiff chooses not to file an amended complaint
24 within thirty (30) days from the date of this order, the Court will screen Plaintiff's original
25 complaint (ECF No. 1-2).

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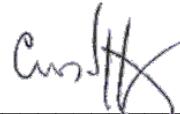
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1 IT IS FURTHER ORDERED that the motions/notices/declarations to join this case (ECF
2 No. 8, 9, 10, 15) are denied. The Clerk of the Court shall strike the
3 motions/notices/declarations from the docket and the movants from the caption.

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5 DATED: June 15, 2017



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7 United States Magistrate Judge
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